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36 UNITED STATES DISTRICT COURT
37 FOR THE NORTHERN DISTRICT OF CALIFORNIA

38 IN RE WAL-MART STORES, INC.
39 WAGE AND HOUR LITIGATION

40 CASE NO. C 06-02069 SBA

41 **CLASS ACTION**

42 **STIPULATION TO STAY THIS CASE IN
43 ITS ENTIRETY PENDING APPEAL**

44 This Document Relates To:

45 Case Nos.:
46 C 06-02069 SBA (Smith) and
47 C 06-05411 SBA (Ballard)

1 The parties hereto, by and through their respective counsel of record, hereby stipulate as
2 follows:

3 1. On February 13, 2008, this Court certified two out of the three purported subclasses
4 that Plaintiffs sought to certify in relation to this case.

5 2. On February 27, 2008, Wal-Mart timely filed a petition with the Ninth Circuit for
6 permission to appeal from this Court's order granting, in part, class certification, pursuant to Rule
7 23(f) of the Federal Rules of Civil Procedure and Rule 5 of the Federal Rules of Appellate Procedure.
8 On March 7, 2008, Plaintiffs filed an answer to Wal-Mart's petition for permission to appeal this
9 Court's class certification order. On March 18, 2008, Wal-Mart filed a motion for leave to file a
10 reply and a reply in support of its petition.

11 3. On May 15, 2008, the Ninth Circuit, having reviewed the submissions of the parties,
12 granted Wal-Mart's petition for permission to file an interlocutory appeal.

13 4. The parties agree that the interests of judicial efficiency and economy would be best
14 served by staying this case in its entirety until the conclusion of all appellate proceedings in the Ninth
15 Circuit concerning this Court's Class Certification Order of February 13, 2008.

16 Now, therefore, the parties hereby stipulate and agree, subject to the Court's approval, that
17 this Court may enter an order as follows:

18 A. This case is hereby stayed in its entirety until the conclusion of all appellate
19 proceedings in the Ninth Circuit concerning this Court's Class Certification Order of February 13,
20 2008; moreover, the hearing on Wal-Mart's Motions for Summary Judgment scheduled for June 24,
21 2008 and the case management conference scheduled for July 10, 2008 are hereby taken off-calendar;

22 B. The parties' rights as of the date of this order are hereby preserved and left intact until
23 this stay is lifted in the event that further proceedings in this Court may prove necessary;

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C. The parties shall promptly notify the Court following the Ninth Circuit's resolution of all appellate proceedings concerning this Court's Class Certification Order of February 13, 2008, at which time the Court may schedule further proceedings, as appropriate.

DATED: May 20, 2008

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Julian W. Poon
Julian W. Poon

Attorneys for Defendant
WAL-MART STORES, INC.

DATED: May , 2008

MARLIN & SALTZMAN

By: See attached Signature page
Louis M. Marlin

Attorneys for Plaintiffs and Plaintiff Class

C. The parties shall promptly notify the Court following the Ninth Circuit's resolution of all appellate proceedings concerning this Court's Class Certification Order of February 13, 2008, at which time the Court may schedule further proceedings, as appropriate.

DATED: May , 2008

GIBSON, DUNN & CRUTCHER LLP

By: _____ / Julian W. Poon

Attorneys for Defendant
WAL-MART STORES, INC.

DATED: May 20, 2008

MARLIN & SALTZMAN

By: 
Louis M. Marlin

Attorneys for Plaintiffs and Plaintiff Class

DECLARATION OF SERVICE

I, Sandra Kowalski, declare as follows:

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and am not a party to this action; my business address is 333 South Grand Avenue, Los Angeles, California 90071, in said County and State. On May 20, 2008, I served the within:

STIPULATION TO STAY THIS CASE IN ITS ENTIRETY PENDING APPEAL

to all interested parties as follows:

ECF (ELECTRONIC CASE FILING): I e-filed the above-detailed documents utilizing the United States District Court, Northern District of California's mandated ECF (Electronic Case Filing) service on May 15, 2008. Counsel of record are required by the Court to be registered e-filers, and as such are automatically e-served with a copy of the documents upon confirmation of e-filing.

BY U.S. MAIL: I placed a true copy in a sealed envelope addressed to the below-named parties, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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I certify under penalty of perjury that the foregoing is true and correct, that the foregoing document(s) were printed on recycled paper, and that this Declaration of Service was executed by me on May 20, 2008, at Los Angeles, California.

/s/ Sandra Kowalski
Sandra Kowalski